

§ 58-44B-5. Definitions.

As used in this Article, in addition to the definitions in G.S. 58-33-19, the following definitions apply:

- (1) Aggregator site. – A Web site that provides access to information regarding insurance products from more than one insurer, including product and insurer information, for use in comparison shopping.
- (2) Blanket travel insurance. – A policy of travel insurance issued to any eligible group providing coverage for specific classes of persons defined in the policy with coverage provided to all members of the eligible group without a separate charge to individual members of the eligible group.
- (3) Cancellation fee waiver. – A contractual agreement between a supplier of travel services and its customer to waive some or all of the non-refundable cancellation fee provisions of the supplier's underlying travel contract with or without regard to the reason for the cancellation or form of reimbursement. A cancellation fee waiver is not insurance.
- (4) Eligible group. – Solely for the purposes of travel insurance, two or more persons who are engaged in a common enterprise, or have an economic, educational, or social affinity or relationship, including any of the following:
 - a. Any entity engaged in the business of providing travel or travel services, including tour operators, lodging providers, vacation property owners, hotels and resorts, travel clubs, travel agencies, property managers, cultural exchange programs, and common carriers, or the operator, owner, or lessor of a means of transportation of passengers, including airlines, cruise lines, railroads, steamship companies, and public bus carriers, wherein with regard to any particular travel or type of travel or travelers, all members or customers of the group must have a common exposure to risk attendant to such travel.
 - b. Any college, school, or other institution of learning covering students, teachers, or employees or volunteers.
 - c. Any employer covering any group of employees, volunteers, contractors, board of directors, dependents, or guests.
 - d. Any sports team, camp, or sponsor thereof covering participants, members, campers, employees, officials, supervisors, or volunteers.
 - e. Any religious, charitable, recreational, educational, or civic organization or branch thereof covering any group of members, participants, or volunteers.
 - f. Any financial institution or financial institution vendor, or parent holding company, trustee, or agent of or designated by one or more financial institutions or financial institution vendors, including accountholders, credit card holders, debtors, guarantors, or purchasers.
 - g. Any incorporated or unincorporated association, including labor unions, having a common interest, constitution, and bylaws, and organized and maintained in good faith for purposes other than obtaining insurance for members or participants of such association covering its members.
 - h. Any trust or the trustees of a fund established, created or maintained for the benefit of and covering members, employees, or customers, subject to the Commissioner's permitting the use of a trust and the State's premium tax provisions in G.S. 58-44B-10 of one or more

associations meeting the above requirements of sub-subdivision g. of this subdivision.

- i. Any entertainment production company covering any group of participants, volunteers, audience members, contestants, or workers.
 - j. Any volunteer fire department, ambulance, rescue, police, court, or any first aid, civil defense, or other such volunteer group.
 - k. Preschools, daycare institutions for children or adults, and senior citizen clubs.
 - l. Any automobile or truck rental or leasing company covering a group of individuals who may become renters, lessees, or passengers defined by their travel status on the rented or leased vehicles. The common carrier, the operator, owner, or lessor of a means of transportation, or the automobile or truck rental or leasing company, is the policyholder under a policy to which this section applies.
 - m. Any other group where the Commissioner has determined that the members are engaged in a common enterprise, or have an economic, educational, or social affinity or relationship, and that issuance of the policy would not be contrary to the public interest.
- (5) Fulfillment materials. – Documentation sent to the purchaser of a travel protection plan confirming the purchase and providing the travel protection plan's coverage and assistance details.
 - (6) Group travel insurance. – Travel insurance issued to any eligible group.
 - (7) Primary certificate holder. – Specific to G.S. 58-44B-10, an individual person who elects and purchases travel insurance under a group policy.
 - (8) Primary policyholder. – Specific to G.S. 58-44B-10, an individual person who elects and purchases individual travel insurance.
 - (9) Travel administrator. – A person who directly or indirectly underwrites, collects, or charges collateral, or premiums from, or adjusts or settles claims on residents of this State, in connection with travel insurance, except that a person shall not be considered a travel administrator if that person's only actions that would otherwise cause it to be considered a travel administrator are among the following:
 - a. A person working for a travel administrator to the extent that the person's activities are subject to the supervision and control of the travel administrator.
 - b. An insurance producer selling insurance or engaged in administrative and claims related activities within the scope of the producer's license.
 - c. A travel retailer offering and disseminating travel insurance and registered under the license of a limited lines travel insurance producer in accordance with this Article.
 - d. An individual adjusting or settling claims in the normal course of that individual's practice or employment as an attorney at law and who does not collect charges or premiums in connection with insurance coverage.
 - e. A business entity that is affiliated with a licensed insurer while acting as a travel administrator for the direct and assumed insurance business of an affiliated insurer.
 - (10) Travel assistance services. – Non-insurance services for which the consumer is not indemnified based on a fortuitous event, and where providing the service does not result in the transfer or shifting of risk that would constitute the

business of insurance. Travel assistance services may include security advisories, destination information, vaccination and immunization information services, travel reservation services, entertainment, activity and event planning, translation assistance, emergency messaging, international legal and medical referrals, medical case monitoring, coordination of transportation arrangements, emergency cash transfer assistance, medical prescription replacement assistance, passport and travel document replacement assistance, lost luggage assistance, concierge services, and any other service that is furnished in connection with planned travel. Travel assistance services are not insurance and not related to insurance.

- (11) Travel insurer. – An insurer as defined in G.S. 58-1-5 engaging in the business of travel insurance.
- (12) Travel protection plans. – Plans that provide one or more of the following: travel insurance, travel assistance services, and cancellation fee waivers.
- (13) Travel retailer. – As defined in G.S. 58-33-19. (2019-128, s. 2.)